IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order No. 377 of 1993.

Shri. Valji Mavji Patel.

..Appellant.

Versus.

The Bombay Municipal Corpn.
of Greater Bombay and Ors.

..Respondents.

CORAM:A.M.KHANWILKAR,J.
DATED:18.03.2006

P.C.:-

. This is an appeal from order, challenging the order passed by the Trial Court, dated 2nd March, 1993 in Suit No. 781 of 1990 dismissing the Notice of Motion taken out by the appellant, wherein prayer for mandatory order against the defendants was made. The learned counsel for the appellant states that as per his instructions,the suit is still pending. During the pendency of the present appeal, this Court passed the following order;

. That pending the hearing and final disposal of the above appeal, the opponents through themselves and/or through their agents and

servants be restrained by an order of injunction from disconnecting and/or disrupting the electricity supply to the appellant.

[emphasis supplied]

. This order has operated since the year 1993.

. In the interest of justice,therefore, this appeal can be disposed of by directing the parties to maintain the same arrangement till the disposal of the suit. It is,however, made clear that it will be open to the Electricity Department to proceed against the appellant for non-payment of Bills raised by the Department regarding the consumption of electricity, if any, inspite of this interim order already passed by the Court.

. Accordingly this appeal is disposed of by directing the parties to maintain the above arrangement till the disposal of the suit. The suit, as earlier, pending since 1990, trial court is at liberty to dispose of it, expeditiously preferably before end of September, 2006. All questions arising in the said suit are left open, to be decided on merits in accordance with law.